

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FRED D. BROUSSARD,

Plaintiff,

VS.

TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, *et al.*,

Defendants.

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CIVIL ACTION NO. H-04-1059

MEMORANDUM AND ORDER

Pending before the Court is Plaintiff's application to proceed *in forma pauperis* in his appeal in the Fifth Circuit. The Federal Rules of Appellate Procedure require a party making such an application to attach an affidavit that (1) shows the party's inability to pay; (2) claims an entitlement to redress; and (3) states the issues that the party intends to present on appeal. FED. R. APP. P. 24(a)(1). Because Plaintiff failed to attach such an affidavit, his application is hereby **DENIED WITHOUT PREJUDICE TO REFILING.**

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 26th day of July, 2006.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.